

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
HARRISONBURG DIVISION

JANET C. STEVENS,	)	
	)	
Plaintiff,	)	
	)	Civil Action No. 5:14-cv-00058
v.	)	
	)	By: Elizabeth K. Dillon
CAROLYN W. COLVIN, Acting	)	United States District Judge
Commissioner, Social Security	)	
Administration,	)	
	)	
Defendant.	)	

**MEMORANDUM OPINION**

Plaintiff Janet C. Stevens asks the court to review the defendant Commissioner of Social Security's final decision denying her application for disability insurance benefits and supplemental security income under Titles II and XVI of the Social Security Act, 42 U.S.C. §§ 401–34, 1381–83f. (Dkt. No. 1, ¶ 1.) The Administrative Law Judge found that Stevens is not disabled within the meaning of the Act. Stevens and the Commissioner have filed cross-motions for summary judgment. (*Id.* ¶ 12.) (Dkt. Nos. 13, 17.) In accordance with 28 U.S.C. § 636(b)(1)(B), the court referred the motions to Magistrate Judge Joel C. Hoppe for a report and recommendation (R&R).

On January 4, 2016, the magistrate judge issued his R&R, recommending that the court grant Stevens's motion, deny the Commissioner's motion, and remand the case for further administrative proceedings. (Dkt. No. 9 at 23.) He also advised the parties of their right under 28 U.S.C. § 636(b)(1)(C) and Federal Rule of Civil Procedure 72(b)(2) to file written objections to his proposed findings and recommendations within 14 days of service of the R&R. (*Id.*)

The deadline to object to the R&R has passed, and no party timely filed an objection. “[I]n the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

The court has reviewed the record in this case and is satisfied that there is no clear error on its face. Accordingly, the court will adopt the R&R, grant Stevens’s motion, deny the Commissioner’s motion, and remand the case for further administrative proceedings consistent with the R&R.

An appropriate order will follow.

Entered: February 22, 2016.

*/s/ Elizabeth K. Dillon*

Elizabeth K. Dillon  
United States District Judge